

Leroy D. Baca, Sheriff

County of Los Angeles

Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169



December 23, 2009

Deputy [redacted] #[redacted]
[redacted]

Dear Deputy [redacted]

You are hereby notified that pursuant to an Education-Based Discipline (EBD) Agreement between you and this Department dated December 10, 2009, you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of ten (10) days. However, pursuant to the EBD agreement, the ten (10) days will be held in abeyance for a period of twelve (12) months which will end on December 9, 2010. All Department records will reflect, nevertheless, that you received a ten (10) day suspension. In accordance with the EBD Agreement, you have agreed to participate in an education-based alternative to discipline. Should you fail to complete any of the terms and conditions of the EBD Agreement, the ten (10) days held in abeyance will be imposed.

An investigation under File Number IAB 2226969, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards, on or about June 26, 2008, you failed to properly perform your duties and/or failed to safely conform to the work standards established for your position and/or failed to take appropriate action, as evidenced by, but not limited to:

   a) failing to broadcast the initial incident involving an armed suspect, and/or;

   b) failing to request, in a timely manner, additional personnel to assist in the containment of the area and/or to search for an armed suspect, and/or;



c) proceeding up the driveway to contact an armed suspect, thereby visually separating yourself from your partner and/or placing yourself at a tactical disadvantage, and/or;

d) unnecessarily compromising your own safety and that of your partner.

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Diane E. Walker, Captain
Commander, Compton Station

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

DEW:KM:md

c: Advocacy Unit
Cecil W. Rhambo Jr, Chief, Field Operations Region II
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Operation Safe Streets Bureau/unit Personnel File

3-01/050.10 PERFORMANCE TO STANDARDS

Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner which will tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Department.

Incompetence may be demonstrated by:

A lack of knowledge of the application of laws required to be enforced,

An unwillingness or inability to perform assigned tasks,

Failure to conform to work standards established for the member's rank or position,

Failure to take appropriate action on the occasion of a crime, disorder or other condition deserving police attention,

Absence without leave,

Unnecessary absence from an assigned area during a tour of duty.

In addition to the above, the following will be considered to be prima facie evidence of incompetence:

Repeated poor evaluations,

A written record of repeated infractions of the Department's rules, regulations, manuals or directives.

04/01/96 MPP

I certify that on the date indicated below, I received the original of the attached **LETTER OF SUSPENSION** under File Number ***IAB 2226969*** as set forth in Section 18.01 of the Rules of the Los Angeles County Civil Service Commission.



DATE

[redacted] # [redacted]

I certify that on the date indicated below, I served the original of the attached letter of suspension on [redacted] as set forth in Section 18.01 of the Rules of the Los Angeles County Civil Service Commission.

12/23/09

DATE

WITNESS SIGNATURE

Dana Ellison

WITNESS PRINT

Please return this page along with Timekeeping Notification within two (2) business days to:

MAGGIE DIXON
INTERNAL AFFAIRS BUREAU
4900 S. EASTERN AVE. #100
CITY OF COMMERCE CA 90040
(323) 890-5314

761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: November 9, 2009

OFFICE CORRESPONDENCE

FILE NO. IV2226969

FROM: STEPHEN B. JOHNSON, COMMANDER
CUSTODY OPERATIONS DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING**

The purpose of this memo is to notify you of the Review Committee's findings and recommendations concerning the use of force incident which occurred on June 26, 2008.

The Committee, consisting of Commander Kevin A. Goran, Field Operations Region II, Commander Jack Jordan, Detective Division, and I, met on November 5, 2009.

The Committee deemed:

- as **Founded** the allegation that Deputy [redacted] # [redacted] violated the Department's Manual of Policy and Procedure, Section 3-01/050.10 (Performance to Standards), on or about June 26, 2008, he failed to properly perform his duties and/or failed to safely conform to work standards established for his position and/or failed to take appropriate action during the incident as evidenced by, but not limited to:

    a) failing to broadcast the initial incident involving an armed suspect; and/or,

    b) failing to request, in a timely manner, additional personnel to assist in the containment of the area and/or to search for an armed suspect; and/or,

    c) proceeding up the driveway to contact an armed suspect; thereby, visually separating himself from his partner and/or placing himself at a tactical disadvantage; and/or,

    d) unnecessarily comprising his own safety and that of his partner.

The Committee recommended that Deputy [redacted] # [redacted] receive a **Suspension with loss of pay and benefits for 10 days.**

SBJ:YLW/ylw

Table of Contents

IAB # SH 2226969 & IV 2222911

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 06-26-08	Bureau/Station/Facility: Compton Station	Admin. Invest.? ☒ Hit? ☒

Incident Information

URN: 008-11673-2872-013	Date: 06-26-08 Time: 1755 hours
City or Station: Compton Station Location: [redacted] E. 150th Street, Compton	Nature of Incident: Deputies saw Suspect Moore walking on street and believed he may be armed. Suspect saw Deputies and withdrew pistol from waistband then ran. Suspect turned towards Deputy [redacted] and [redacted] shot Suspect three times, killing him.

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, **Residence** (circled), Rural, School, Street, Other: ______

Lighting (*circle only one*): Darkness, **Daylight** (circled), Other, Street Lights

Weather (*circle only one*): **Clear** (circled), Cloudy, Fog, Rain

Distance: 15 - 20 feet

Incident Type (*circle one or more*): Accidental, **Armed Person** (circled), Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call, Observation, One Person Unit, Other, Search Warrant, **Two Person Unit** (circled)

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol** (circled)

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
3	0	☐	☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*):	ShiftType (*circle only one*):
[redacted]	[redacted]	[redacted]		[redacted]	[redacted]
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisor

Employee #	Last Name	First Name	M.I.	(*circle one or more*):
[redacted]	Lecrivain	Laura	E	**On Duty** (circled), Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Ramirez	Peter	M

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	(Sergeant) Regalado	Paul	D

PSTD Use Only
SH # ______

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
06-26-08	1910 hours		

Employee #	Last Name	First Name	M.I
[redacted]	Denison	Trent	
[redacted]	Flores	David	
[redacted]	Ault	Alicia	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S	E1	UC					NN	
S	E1	FH					NN	
E1	S	FH	BR	9	Y	Y	DH	AD

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 008-11673-2872-013

Involved Employee

E 1

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Sex: [redacted] Race: [redacted]	Rank: Deputy Sheriff	Unit Assignment: [redacted]	Work Assignment (Unit #, Module, etc.): [redacted]
ShiftTime (*circle only one*): [redacted]	ShiftType (*circle only one*): [redacted]	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☒
Hrs of sleep prior to shooting: 6 - 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: [redacted] Weight: [redacted]			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Beretta Caliber 9MM # Shots 3		Weapons Fired Brand: Caliber # Shots	
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand: Caliber # Shots		Weapons Fired Brand: Caliber # Shots	
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand: Caliber # Shots		Weapons Fired Brand: Caliber # Shots	
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 008-11673-2872-013

Suspect Information

S 1

Last Name: Moore	First Name: Bryan	M.I.: D.
AKA Last Name: "CK" - Campanella Park Piru gang	First Name:	M.I.:

Sex: M Race: Black	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 26 D.O.B. 07-10-81	Height: 6'00" Weight: 215	FBI #: [redacted]	CII #: [redacted]
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☒	Coroner Case #: 2008-04580	Intoxication/Drug Usage? ☐	Substance Used: Alcohol & Marijuana per Coroner
Armed? ☒	Apprehended? ☐	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: N/A		Model:	Year:

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

Investigative Summary

Incident: Deputy Involved Hit Shooting, Suspect Deceased
LASD Report: 008-11673-2872-013
IAB File: SH 2222911 and IV 2226969

Opening Statement

On Thursday, June 26, 2008, IAB investigators Sergeant Trent Denison, Sergeant David Flores and Lieutenant Alicia Ault responded to a command post erected by Compton Station personnel regarding a Deputy Involved Hit Shooting. Investigators learned from Homicide detectives that Compton Station Deputy [redacted] was involved in a shooting and the suspect was deceased. Sergeant Trent Denison was assigned the administrative and force review investigation.

Synopsis

On June 26, 2008 at approximately 1755 hours, Deputies [redacted] and [redacted] working [redacted] were driving south on Wadsworth Avenue near 150th Street when they noticed Suspect Bryan Moore walking south on the east sidewalk of Wadsworth Avenue. Both deputies noticed Suspect Moore walking with an abnormal gait and holding his waistband area, which gave them the impression he was concealing a firearm. When they drove to within fifteen feet of Suspect Moore to investigate if he was armed, Suspect Moore noticed them and immediately ran several feet toward a fence of a residence. As Suspect Moore approached the fence, both deputies noticed he withdrew a black color pistol from his waistband area and held it in his right hand as he scaled the chain link fence, which was covered in ivy. Both deputies lost sight of Suspect Moore after he went over the fence.

Deputy [redacted] exited the radio car and walked along the sidewalk on 150th Street, in front of the house Suspect Moore had jumped into the front yard of. Deputy [redacted] drove the radio car to the corner of Wadsworth Avenue and 150th Street and stopped to form a two person containment of the area. Deputy [redacted] walked [redacted] of the corner on 150th Street and then heard and saw Suspect Moore scale the chain link fence that delineated the two properties.

Deputy [redacted] proceeded up the driveway of [redacted] 150th Street, toward Suspect Moore as Moore jumped onto the same driveway, landing approximately 15 feet in front of Deputy [redacted] Suspect Moore started to turn toward Deputy [redacted] as Deputy [redacted] shouted orders for him to stop. Deputy [redacted] noticed Suspect Moore still had his hands at his waistband area and Moore's right arm moved in a "blading" motion across his chest while his back was to Deputy [redacted] Deputy [redacted] believed Suspect Moore was still armed and was moving to a position to shoot him. Because Deputy [redacted] feared Suspect Moore was going to shoot him, he fired three times at Suspect Moore. Suspect Moore fell to the ground and was apprehended. Suspect Moore received three gunshot wounds and was taken to the hospital were he was pronounced dead. Deputy [redacted] was not injured.

IAB Lieutenant Ault checked to see that the Compton Station Watch Commander took reasonable steps to ensure that the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators. The Watch Commander made sure the involved and witness personnel did not collectively consult with their attorney or representative and IAB Lieutenant Ault checked to see if the Watch Commander had involved and witness personnel gather in the company of a supervisor until they had provided a statement to the assigned investigators.

Homicide investigators conducted a search for Suspect Moore's weapon, utilizing deputy personnel and a article search dog however, they were unable to locate the suspect's weapon.

Homicide detectives conducted a shooting investigation as documented in the Homicide Investigation Book **[Exhibit A]**.

On August 6, 2008, Undersheriff Waldie ordered Internal Affairs Bureau to conduct a Administrative Investigation for Performance to Standards with Deputy [redacted] as a subject, in relation to his actions during this incident. **(IV 2226969)**

On March 30, 2009, the District Attorney's office issued a Letter of Opinion regarding this incident **[Exhibit B]**.

Involved Personnel

Deputy [redacted] **#**[redacted]
[redacted]

Work History
Date of Employment: [redacted]
Date Assigned to Patrol:
Date Completed Patrol Training:
Date Assigned to Compton Station:
Prior Shooting Incident(s):
Prior Founded Force Incident(s):

Suspect
Moore, Bryan Davidlee, MB/26, DOB 07-10-81, 6'00", 215 lbs., Black, Brown, 1047 150th Street, Compton California, unknown phone, CII# [redacted] FBI# [redacted]
AKA: "CK" from "Campanella Park Piru" street gang. Suspect Moore had an [redacted]

[redacted]

Witnesses



Deputy [redacted] #[redacted]
[redacted]

Several people were located and identified by Homicide investigators and were interviewed as potential witnesses. Conflicting statements were obtained from one person, [redacted] who claimed to have witnessed the incident. For more information, see the Homicide supplemental reports on pages 24, 28, 31, 37, & 41 - 44 found in the Homicide Investigation Book **[Exhibit A]**.

Injuries

Suspect Moore died as a result of his gunshot wounds. For more information, see the Autopsy Report found on page 58 of the Homicide Investigation Book **[Exhibit A]**.

No other persons were injured.

Physical Evidence

Three expended 9mm shell casings were located by Homicide investigators and collected by Scientific Services personnel as noted on their reports found on pages 45 - 57 in the Homicide Investigation Book **[Exhibit A]**.

Investigators Observations

IAB investigators were given a walk through of the crime scene by Homicide detectives. Investigators noticed a marked Sheriff's radio car parked at an angle near the driveway of [redacted] 150th Street (location of shooting). Investigators also noticed two expended shell casings in the driveway of the location and one expended shell casing near a planter at the northwest corner of the house and medical debris near a small blood stain on the driveway were it was reported Suspect Moore had been shot.

IAB investigators noticed the chain link fence Suspect Moore was reported to have first climbed was approximately four foot tall and covered with ivy and the six foot tall chain link fence Suspect Moore climbed over at the time of the shooting had wood privacy slats and ivy on part of it. There was a large amount of plant overgrowth around the driveway and yards of the two residences involved in this incident. There was a block wall on the north side of the driveway and small garage of [redacted] 150th Street.

IAB investigators noticed a four foot tall chainlink fence with privacy slats was partially open and located in the driveway of [redacted] 150th Street. The fence crossed the driveway and separated one portion of the driveway from another portion just in front of a garage. This area of the driveway was covered by a tarp carport and the residence was on the east side of the driveway.

Investigators were told by Homicide detectives that Suspect Moore jumped down onto the driveway on the north side of this fence at the time of the shooting.

Weapon used by Deputy [redacted]
Deputy [redacted] fired three rounds of Department issued 9mm ammunition from his Department issued Beretta 92F 9mm semi automatic pistol.

Weapon used by Suspect Moore
Both Deputy [redacted] and Deputy [redacted] said Suspect Moore was in possession of a small black color semi automatic pistol. The weapon was not recovered.

Property Damage
None

Criminal Investigators
Homicide Detectives F. Salerno and L. Aguilera

Lighting and Weather Conditions
The shooting took place during daylight hours, dusk, 1755 hours. The weather was warm, dry and clear.

IAB Interview of Deputy [redacted]
On June 26, 2008, Homicide detectives interviewed Deputy [redacted] regarding this incident. Homicide's summary of this interview is an accurate account of what was said and may be found on page 34 of the Homicide Investigation Book **[Exhibit A]**. For more information and exact wording, see Deputy [redacted] attached Homicide interview transcription.

On September 17, 2009 Deputy [redacted] was interviewed as a Subject by IAB investigators, regarding this incident.

Deputy [redacted] said that he and his partner, Deputy [redacted] were driving south on Wadsworth Avenue, north of 150th Street when they saw Suspect Moore. He said Moore was walking with an abnormal gait which gave them the impression he was armed. Deputy [redacted] said they drove to within 20 feet of Suspect Moore when Moore noticed them and immediately ran toward a fence to a residence. He said he noticed as Suspect Moore scaled the fence, that Moore was holding a black color semi automatic pistol in his right hand. Deputy [redacted] said he told Deputy [redacted] the suspect was armed and [redacted] said he saw the gun too. Deputy [redacted] said he was getting out of the patrol car to detain Suspect Moore as Moore jumped over the fence and into the yard of a residence.

Deputy [redacted] said he walked along the north side of 150th Street to parallel the suspect and Deputy [redacted] parked the radio car at the corner of 150th Street and Wadsworth Avenue to form a two person containment. Deputy [redacted] said he walked [redacted] of the corner and heard

the sound of dogs barking in the rear yard of the residences and believed they may have been barking at the suspect. Deputy [redacted] said he walked up the driveway of [redacted] 150th Street toward the sound of the barking dogs and as he did so, he lost sight of his partner because of an ivy covered fence that ran along the driveway. He added that he did not inform Deputy [redacted] that he was going to walk up the driveway toward the barking dogs. Deputy [redacted] said he was part way up the driveway when he noticed Suspect Moore jump over the ivy covered fence that delineated the corner house from the driveway he stood in at [redacted] 150th Street. He added that Suspect Moore landed on the driveway approximately 10 feet in front of him and on the north side of a closed four foot fence that crossed the driveway. He added there was no available cover.

Deputy [redacted] said he yelled for Suspect Moore to show his hands as Moore landed in the driveway, crouched down and facing away from Deputy [redacted] Deputy [redacted] said Suspect Moore ignored his commands and he noticed Moore's right arm moving to the side in what he described as a "blading" motion as Moore turned to look at him. Deputy [redacted] said he believed Suspect Moore was still armed and was turning to shoot him. He said he feared for his life so he fired once at center mass on Suspect Moore then re assessed. He said he believed his shot missed Suspect Moore because Moore continued to bring his arm around in his direction. He said he fired two more rapid shots at Suspect Moore and Suspect Moore fell to the ground. Deputy [redacted] added that he saw Suspect Moore moving his right arm and slightly turning his torso to the right but he could not tell if Suspect Moore had a weapon in his hand at the time. Deputy [redacted] said he opened the four foot driveway gate and broadcast on his hand held radio that he had just been involved in a shooting. He added that Deputy [redacted] arrived and tapped him on the shoulder and took over the radio transmissions.

During Deputy [redacted] IAB interview, scene photographs **[Exhibit C]** were used to indicate locations as noted on the photographs, for reference only, by Deputy [redacted] The pictures were obtained from a CD containing photographs of the crime scene **[Exhibit D]**.

For more information, see Deputy [redacted] attached IAB interview transcription.

<u>Homicide Interview of Deputy</u> [redacted]

On June 26, 2008, Homicide detectives interviewed Deputy [redacted] with IAB investigators Sergeant Denison and Sergeant Flores present. Homicide's summary of this interview is an accurate account of what was said and may be found on page 32 of the Homicide Investigation Book **[Exhibit A]**. For more information and exact wording, see Deputy [redacted] attached interview transcription.

Deputy [redacted] said he noticed Suspect Moore walking on Wadsworth Avenue and holding his front waistband area as if he may be concealing a weapon. He said he noticed Suspect Moore holding a black color semi automatic pistol in his hand at the time Suspect Moore scaled a chain link fence and before he lost sight of Suspect Moore. Deputy [redacted] said he drove the radio car to the corner of Wadsworth Avenue and 150th Street to set up a two man containment

while his partner, Deputy [redacted] walked east on 150th Street. Deputy [redacted] said he heard Deputy [redacted] yelling and then he heard several gunshots so he drove the radio car to the location to assist Deputy [redacted] He added that he did not witness the actual shooting because he could not see it from his vantage point.

Suspect Statements

None

Miscellaneous

* Admonition form for Deputy [redacted]

* Miscellaneous related documents.





LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
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JANICE L. MAURIZI • Director

March 30, 2009

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File # 08-0384
LASD File # 008-11673-2872-013

Dear Captain Smith:

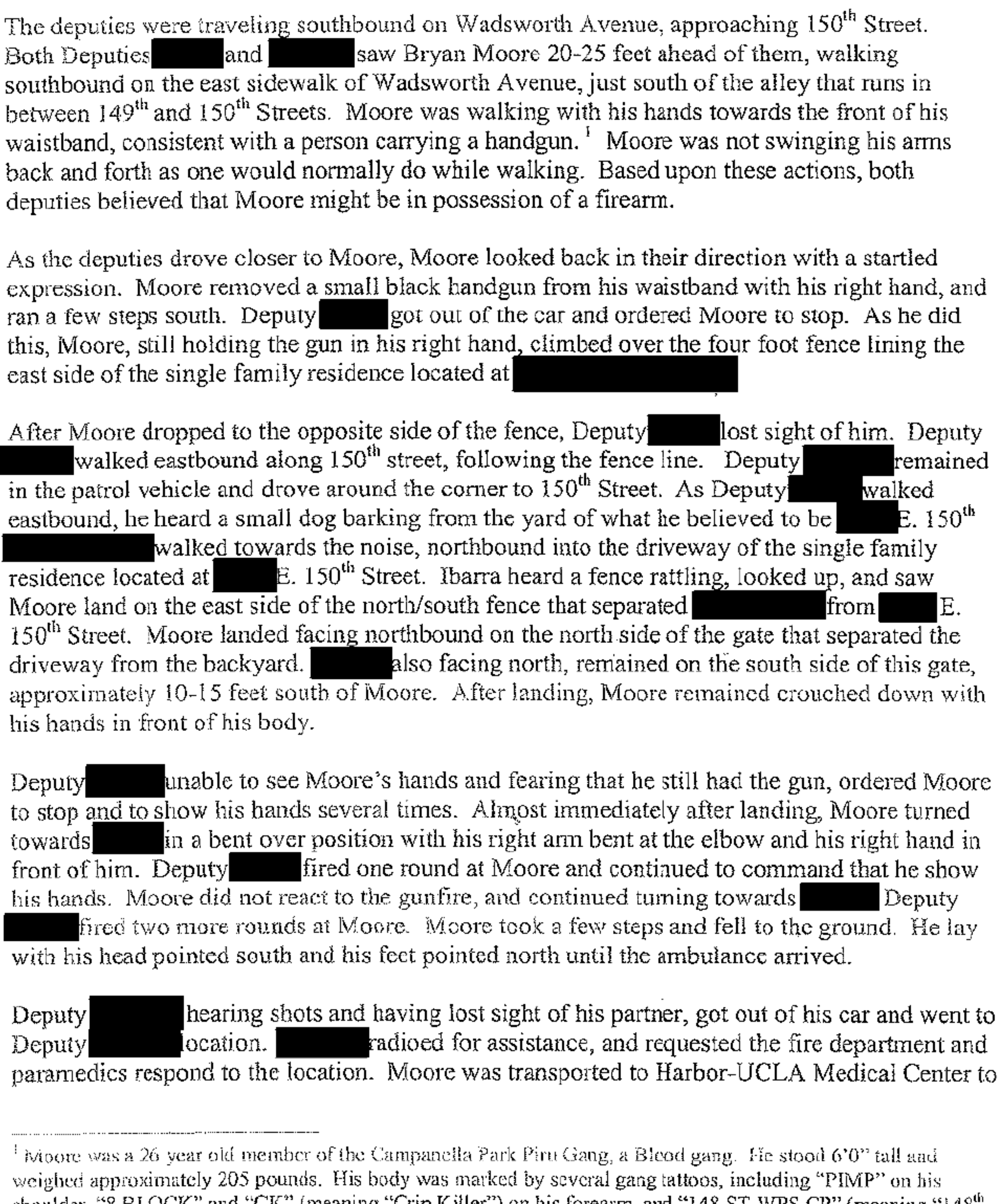
The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the June 26, 2008, fatal shooting of Bryan Davidlee Moore by Los Angeles County Sheriff's Deputy [redacted] It is our conclusion that the Deputy [redacted] acted in lawful self-defense.

The following analysis is based on reports submitted to our office on October 21, 2008 and December 23, 2008, by Detectives Frank Salerno and Louis Aguilera of the Los Angeles County Sheriff's Department (LASD), Detective Division – Homicide Bureau. The District Attorney's Command Center was notified of this shooting on June 26, 2008 at approximately 7:35 p.m. The District Attorney Response Team, comprised of Deputy District Attorney Amy Pellman Pentz and District Attorney Senior Investigator [redacted] responded and were given a briefing and walk-through of the scene by Lieutenant David Coleman. No departmentally compelled statements were considered in this analysis.

FACTUAL ANALYSIS

On June 26, 2008, at approximately 5:55 p.m., Los Angeles County Sheriff's Deputies [redacted] and [redacted] were in uniform and on routine patrol in a marked black and white Sheriff's vehicle. Deputy [redacted] was the driver, and Deputy [redacted] was the right front passenger.

Clara Shortridge Foltz Criminal Justice Center
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Los Angeles, CA 90012-3210
(213) 974-3888
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The deputies were traveling southbound on Wadsworth Avenue, approaching 150th Street. Both Deputies [redacted] and [redacted] saw Bryan Moore 20-25 feet ahead of them, walking southbound on the east sidewalk of Wadsworth Avenue, just south of the alley that runs in between 149th and 150th Streets. Moore was walking with his hands towards the front of his waistband, consistent with a person carrying a handgun.[1] Moore was not swinging his arms back and forth as one would normally do while walking. Based upon these actions, both deputies believed that Moore might be in possession of a firearm.

As the deputies drove closer to Moore, Moore looked back in their direction with a startled expression. Moore removed a small black handgun from his waistband with his right hand, and ran a few steps south. Deputy [redacted] got out of the car and ordered Moore to stop. As he did this, Moore, still holding the gun in his right hand, climbed over the four foot fence lining the east side of the single family residence located at [redacted]

After Moore dropped to the opposite side of the fence, Deputy [redacted] lost sight of him. Deputy [redacted] walked eastbound along 150th street, following the fence line. Deputy [redacted] remained in the patrol vehicle and drove around the corner to 150th Street. As Deputy [redacted] walked eastbound, he heard a small dog barking from the yard of what he believed to be [redacted] E. 150th [redacted] walked towards the noise, northbound into the driveway of the single family residence located at [redacted] E. 150th Street. Ibarra heard a fence rattling, looked up, and saw Moore land on the east side of the north/south fence that separated [redacted] from [redacted] E. 150th Street. Moore landed facing northbound on the north side of the gate that separated the driveway from the backyard. [redacted] also facing north, remained on the south side of this gate, approximately 10-15 feet south of Moore. After landing, Moore remained crouched down with his hands in front of his body.

Deputy [redacted] unable to see Moore's hands and fearing that he still had the gun, ordered Moore to stop and to show his hands several times. Almost immediately after landing, Moore turned towards [redacted] in a bent over position with his right arm bent at the elbow and his right hand in front of him. Deputy [redacted] fired one round at Moore and continued to command that he show his hands. Moore did not react to the gunfire, and continued turning towards [redacted] Deputy [redacted] fired two more rounds at Moore. Moore took a few steps and fell to the ground. He lay with his head pointed south and his feet pointed north until the ambulance arrived.

Deputy [redacted] hearing shots and having lost sight of his partner, got out of his car and went to Deputy [redacted] location. [redacted] radioed for assistance, and requested the fire department and paramedics respond to the location. Moore was transported to Harbor-UCLA Medical Center to

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[1] Moore was a 26 year old member of the Campanella Park Piru Gang, a Blood gang. He stood 6'0" tall and weighed approximately 205 pounds. His body was marked by several gang tattoos, including "PIMP" on his shoulder, "8 BLOCK" and "CK" (meaning "Crip Killer") on his forearm, and "148 ST WPS CP" (meaning "148th Street West Side Campanella Park Piru") on his abdomen. Moore's [redacted]

be treated for his injuries. He was pronounced dead at the Medical Center at 6:41 p.m. on June 26, 2008.

Investigators recovered three expended shell casings from the east side of the driveway of [redacted] E. 150th Street.[2] Moore's cell phone was recovered with his clothing, close to where he fell to the ground.[3]

LASD investigators attempted to locate the firearm seen and described by both Deputies [redacted] and [redacted] but were unable to do so. The area searched included the exteriors of both residences located at [redacted] and [redacted] E. 150th Street. The residence located at [redacted] was bordered by a four foot chain link fence. Thick hedges surround and are grown on top of this fence. The backyard of this residence is bordered by an eight foot concrete retaining wall, with manicured hedges grown on the wall and above it. The front yard is separated from the backyard by two white wrought iron security gates which were both unlocked and ajar. This property is separated from [redacted] E. 150th Street by a four foot chain link fence.

Several neighbors were interviewed. Although no one witnessed the shooting, some relevant information was provided. [redacted] was inside the house at [redacted] E. 150th Street.[4] He heard the gate rattle, and walked to the rear door. As [redacted] did this, he heard two to three gunshots coming from outside. [redacted] opened the door and saw Moore fall to the ground. [redacted] approached Moore, and saw Deputy [redacted] with his gun drawn, on the south side of the gate dividing the front from the backyard. At Deputy [redacted] request, [redacted] opened the unlocked but closed gate for him, and then went inside.

[redacted] was just about to step outside the back door to her house at [redacted] when time she heard two gunshots coming from her [redacted] backyard. As she looked out her dining room window, she was able to see into her [redacted] backyard. [redacted] saw a man come out of the back door of the residence located at [redacted] E. 150th Street, go to the gate in the driveway, and check it. [redacted] saw two deputies in the backyard. One deputy had a gun in his hand. They both were moving around in a circular pattern and were not speaking with each other. She saw one of the deputies pick up Moore's body and check under his body two times. [redacted] believed that the deputy was looking for something under Moore's body.

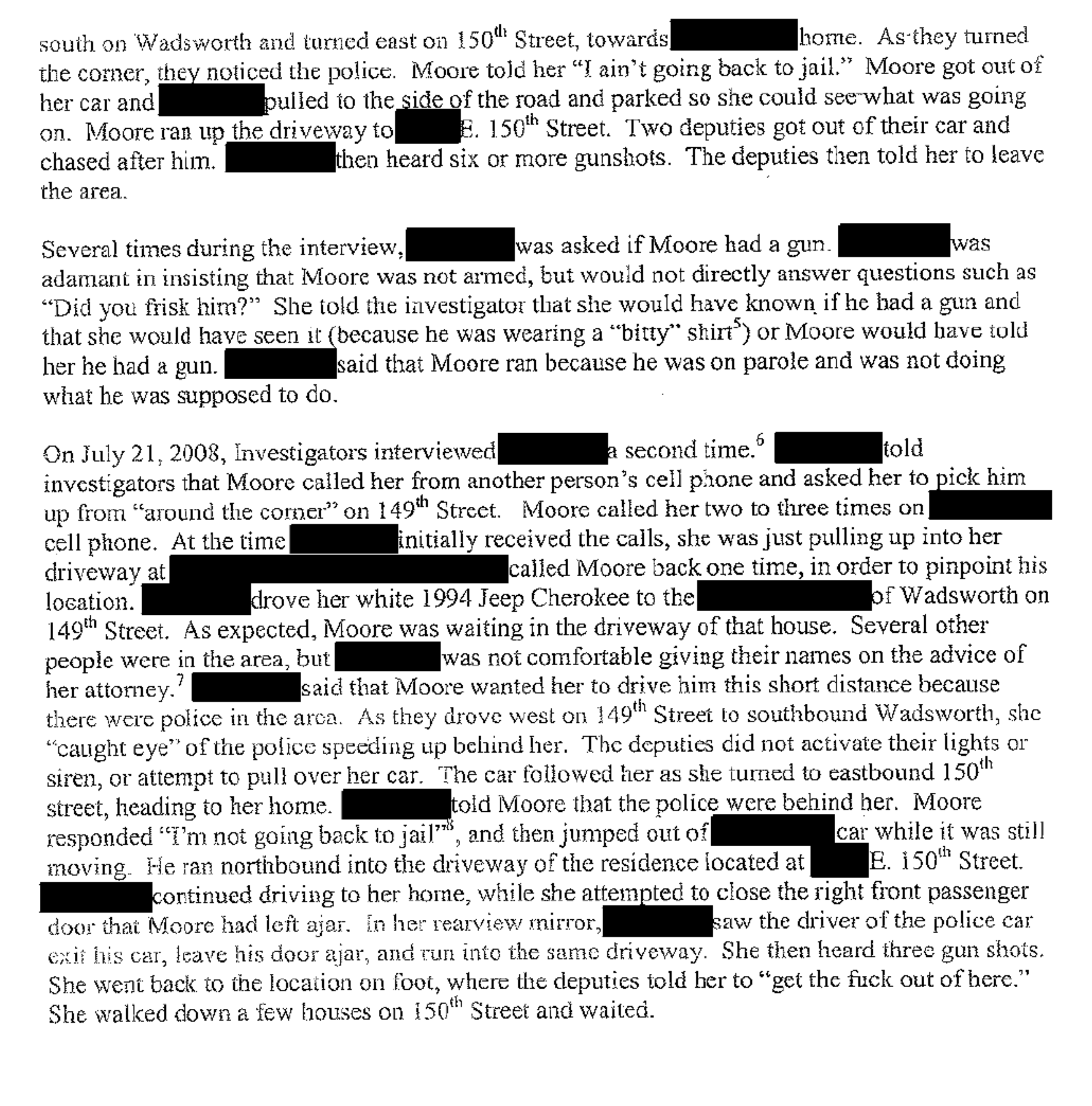
Moore's [redacted] was interviewed by LASD investigators on two different occasions. The first interview occurred on June 26, 2008, at approximately 10:45 pm, after she returned from the hospital. [redacted] stated that Moore called her and asked her to come get him. She picked him up in her white Jeep Cherokee at the corner of 149th and Wadsworth, right by the park. When Moore got into her car, he told [redacted] "the police is hot." They drove

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[2] The three casings found at the scene and the three bullets recovered from Moore's body were all attributed to Deputy [redacted] 9mm "Beretta" handgun.

[3] The phone on Moore was registered to [redacted]

Lee did "odd jobs" for the owner of the residence, [redacted] and was the only person home at the time of the shooting. He did confirm that the dogs were outside at the time of the shooting.



south on Wadsworth and turned east on 150th Street, towards [redacted] home. As they turned the corner, they noticed the police. Moore told her "I ain't going back to jail." Moore got out of her car and [redacted] pulled to the side of the road and parked so she could see what was going on. Moore ran up the driveway to [redacted] E. 150th Street. Two deputies got out of their car and chased after him. [redacted] then heard six or more gunshots. The deputies then told her to leave the area.

Several times during the interview, [redacted] was asked if Moore had a gun. [redacted] was adamant in insisting that Moore was not armed, but would not directly answer questions such as "Did you frisk him?" She told the investigator that she would have known if he had a gun and that she would have seen it (because he was wearing a "bitty" shirt[5]) or Moore would have told her he had a gun. [redacted] said that Moore ran because he was on parole and was not doing what he was supposed to do.

On July 21, 2008, Investigators interviewed [redacted] a second time.[6] [redacted] told investigators that Moore called her from another person's cell phone and asked her to pick him up from "around the corner" on 149th Street. Moore called her two to three times on [redacted] cell phone. At the time [redacted] initially received the calls, she was just pulling up into her driveway at [redacted] called Moore back one time, in order to pinpoint his location. [redacted] drove her white 1994 Jeep Cherokee to the [redacted] of Wadsworth on 149th Street. As expected, Moore was waiting in the driveway of that house. Several other people were in the area, but [redacted] was not comfortable giving their names on the advice of her attorney.[7] [redacted] said that Moore wanted her to drive him this short distance because there were police in the area. As they drove west on 149th Street to southbound Wadsworth, she "caught eye" of the police speeding up behind her. The deputies did not activate their lights or siren, or attempt to pull over her car. The car followed her as she turned to eastbound 150th street, heading to her home. [redacted] told Moore that the police were behind her. Moore responded "I'm not going back to jail"[8], and then jumped out of [redacted] car while it was still moving. He ran northbound into the driveway of the residence located at [redacted] E. 150th Street. [redacted] continued driving to her home, while she attempted to close the right front passenger door that Moore had left ajar. In her rearview mirror, [redacted] saw the driver of the police car exit his car, leave his door ajar, and run into the same driveway. She then heard three gun shots. She went back to the location on foot, where the deputies told her to "get the fuck out of here." She walked down a few houses on 150th Street and waited.

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[5] Moore's clothing was collected at the scene. It consisted of one pair of pants, one white t-shirt, one white tank top, size L, and one black short sleeve shirt, size 3XL.

[6] During the interview, [redacted] makes it very clear that she herself has spoken to many witnesses and neighbors about the events of that evening, including Moore's treating physician, [redacted] and two men who live at [redacted] residence.

[7] Investigators canvassed 149th Street and found no one who recalled seeing Moore or seeing a white Jeep Cherokee.

[8] [redacted] speculated that Moore had marijuana in his possession. She believed that Moore had been smoking marijuana, and told investigators that smoking weed exacerbates his schizophrenic/bipolar condition. Additionally, several times in the interview she indicated that Moore was impulsive by nature.

An analysis of [redacted] phone records show that she did not call the phone in Moore's possession, nor did she receive any calls from that number. An analysis of Moore's phone shows that he did not call [redacted] and did not receive any calls from that number.

On June 29, 2008, at 8 a.m., Deputy Medical Examiner Ajay J. Panchal, M.D., performed an autopsy on Moore. Moore was struck by gunfire three times. Moore sustained one gunshot wound which entered his left lower back area. This gunshot wound was fatal. The second gunshot wound entered Moore's left buttock. The third penetrating wound entered Moore's right buttock. The direction of travel of the projectile was right to left, back to front, and downward. This penetrating wound was also fatal. The first and third wounds are consistent with being shot when Moore was bent over. The coroner found no soot or stippling on any wound and was unable to determine the range of fire. The coroner ascribed the cause of death as a gunshot wound to the back.[9]

CONCLUSION

According to the law in California, a person acted in lawful self-defense or defense of another if (1) he reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury and (2) he reasonably believed that the immediate use of deadly force was necessary to defend against that danger. CALCRIM 505. If the person's beliefs were reasonable, the danger does not need to have actually existed. CALCRIM 3470.

Actual danger is not necessary to justify the use of deadly force in self-defense. If one is confronted by the appearance of danger which one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon those circumstances. The right of self-defense is the same whether the danger is real or merely apparent. People v. Toledo (1948) 85 Cal.App.2d 577.

The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight...The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments---in circumstances that are tense, uncertain, and rapidly evolving---about the amount of force that is necessary in a particular situation. Graham v. Conner (1989) 490 U.S. 386, 396-397.

The evidence examined in this investigation shows that Deputies [redacted] and [redacted] saw Moore walking as if he was armed. The deputies attempted to contact Moore, who, according to the deputies, produced a handgun and ran away. After jumping over a fence and landing in someone's backyard, Moore crouched down, hid his hands from Deputy [redacted] and refused to follow lawful orders. As he began to turn towards the deputy, Deputy [redacted] fearing that Moore had a gun, fired three rounds at Moore, striking Moore in his buttocks and lower back.

[9] Additionally, Moore's blood alcohol level was .06%. Marijuana was also found in Moore's blood.

We conclude that Deputy [redacted] was placed in reasonable fear of imminent danger of death or great bodily injury by Moore's actions and acted lawfully in self-defense when he used deadly force against Moore. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By *Amy Pellman Pentz*

Amy Pellman Pentz
Deputy District Attorney
(213) 974-3888

c: [redacted] #[redacted]